

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WISCONSIN

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WISCONSIN MASONS HEALTH CARE FUND,  
WISCONSIN MASONS PENSION FUND,  
WISCONSIN MASONS VACATION FUND,  
WISCONSIN MASONS APPRENTICESHIP &  
TRAINING, BRICKLAYERS AND TROWEL TRADES  
INTERNATIONAL PENSION FUND, INTERNATIONAL  
MASONS INSTITUTE FUND, and JEFFREY LECKWEE,

BRICKLAYERS AND ALLIED CRAFTSMEN  
DISTRICT COUNCIL OF WISCONSIN, and  
BRICKLAYERS AND TROWEL TRADES  
INTERNATIONAL,

Plaintiffs,

vs.

Case No. 07-C-0569 C

TIMOTHY NEWKIRK d/b/a ZAMBONI BIG DOG FLOORING,  
and ANGELA M. NEWKIRK d/b/a ZAMBONI BIG DOG FLOORING,

Defendants.

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ORDER FOR JUDGMENT

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Request and application for default judgment brought by the Plaintiffs in the above-captioned action were submitted to the Court and filed with the clerk.

The Court, having duly heard all issues and a decision having been duly rendered,  
Orders as follows:

1. Defendants Timothy Newkirk d/b/a Zamboni Big Dog Flooring and Angela M. Newkirk d/b/a Zamboni Big Dog Flooring have failed to plead or otherwise defend as

provided by Rule 55(a) of the Fed. R. Civ. P.

2. Timothy Newkirk d/b/a Zamboni Big Dog Flooring and Angela M. Newkirk d/b/a Zamboni Big Dog Flooring, jointly and severally, violated the Employee Retirement Income Security Act of 1974, as amended, and the effective collective bargaining agreement by failing to pay fringe benefit contributions, interest and liquidated damages on behalf of their employees to the Plaintiff Funds.

3. The court assesses the total damages in favor of the Plaintiffs and against the Defendants, jointly and severally, in the sum of \$2,988.27 for contributions, interest and liquidated damages for the audited period January 1, 2007 through July 31, 2007 as well as attorneys fees and costs incurred in their prosecution of this matter through November 16, 2007.

**IT IS HEREBY ORDERED** that the Clerk of Court is directed to enter judgment in favor of Plaintiffs, Wisconsin Masons Health Care Fund, Wisconsin Masons Pension Fund, Wisconsin Masons Vacation Fund, Wisconsin Masons Apprenticeship & Training, Bricklayers and Trowel Trades International Pension Fund, International Masons Institute Fund, Jeffrey Leckwee, Bricklayers and Allied Craftsmen District Council of Wisconsin, and Bricklayers and Trowel Trades International, and against Defendants Timothy Newkirk d/b/a Zamboni Big Dog Flooring and Angela M. Newkirk d/b/a Zamboni Big Dog Flooring, jointly and severally, in the amount of \$2,988.27 together with interest at the rate allowed by law.

Dated this 30<sup>th</sup> day of January, 2008.

BY THE COURT

Barbara B. Crabbe

U. S. District Court Judge